

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Public Works	(2) MEETING DATE 8/11/2015	(3) CONTACT/PHONE Genaro Diaz, Project Manager (805) 781-5279	
(4) SUBJECT Request to 1) ratify approval of Contract Change Order Nos. 1-7 to the agreement with John Madonna Construction Co., in the amount of \$105,535, for the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project; 2) approve Contract Change Order No. 8 in the amount of \$52,000; 3) approve additional construction contingency in the amount of \$100,000; and 4) adopt the attached resolution approving the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project Construction Change Order Policy. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Ratify Public Works' approval of Contract Change Order Nos. 1-7 to the agreement with John Madonna Construction Co., in the amount of \$105,535.01, for the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project (Contract No. 300129.09.04); and 2. Approve Contract Change Order No. 8 in the amount of \$52,000; and 3. Approve additional construction contingency in the amount of \$100,000; and 4. Adopt the attached resolution approving the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project Construction Change Order Policy. 			
(6) FUNDING SOURCE(S) Prop 1B - State-Local Partnership Program, Nipomo South County Area 1 Road Impact Fees	(7) CURRENT YEAR FINANCIAL IMPACT \$100,000.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) 19001575		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: 3/24/15, #10	
(17) ADMINISTRATIVE OFFICE REVIEW David E. Grim			
(18) SUPERVISOR DISTRICT(S) District 4			

Reference: 15AUG11-C-2

County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works
Genaro Diaz, Project Manager

VIA: Dave Flynn, Deputy Director of Public Works

DATE: 8/11/2015

SUBJECT: Request to 1) ratify approval of Contract Change Order Nos. 1-7 to the agreement with John Madonna Construction Co., in the amount of \$105,535.01, for the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project; 2) approve Contract Change Order No. 8 in the amount of \$52,000; 3) approve additional construction contingency in the amount of \$100,000; and 4) adopt the attached resolution approving the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project Construction Change Order Policy. District 4.

RECOMMENDATION

It is recommended that the Board:

1. Ratify Public Works' approval of Contract Change Order Nos. 1-7 to the agreement with John Madonna Construction Co., in the amount of \$105,535.01, for the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project (Contract No. 300129.09.04); and
2. Approve Contract Change Order No. 8 in the amount of \$52,000; and
3. Approve additional construction contingency in the amount of \$100,000; and
4. Adopt the attached resolution approving the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project Construction Change Order Policy.

DISCUSSION

This project implements the mitigation for loss of oak woodlands as a result of the Willow Road 101 Interchange project construction. On March 19, 2013, the Board awarded the subject contract to John Madonna Construction Co. in the amount of \$548,468.75, for the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project in Nipomo. The project approval also established a contingency and supplemental work budget of \$69,850. Together, the contract amount plus contingency totaled \$618,318.75.

The contractor has planted, is protecting, and has established irrigation for approximately 3,800 native oak acorns over a 22 acre area adjacent to the Dana Adobe in Nipomo. The contract also requires the contractor to maintain the site for a three-year plant establishment period. The project is expected to achieve at least an 80% survival rate. The contract also installed fencing for the mitigation sites to prevent livestock encroachment.

During construction of the improvements, unforeseen conditions have required revisions to the contract plans and constructed improvements. Initially, it was discovered that the existing well casing was damaged, causing dirt and debris to proliferate throughout and impair the irrigation system. On March 24, 2015, the Board authorized Contract Change Order No. 7, supplement no. 2. With this Board action, damaged well casing issues were resolved, pumps were repaired, irrigation lines were flushed, and irrigation emitters were replaced to unclog the system. Even with these fixes, the irrigation system continued to exhibit signs of an unproductive operation. At this point it was prudent to discontinue the use of well water until new issues were resolved. In order to continue to supply the water needed to the planted acorns, water had to be and continues to be trucked in and placed in a site storage tank, at the rate of approximately \$1,500 week.

Additional water testing revealed high amount of precipitate forming in the storage tank due to well water quality. This precipitate can be treated with sulfuric acid which improves pH balance for the water and removes the precipitate. These additional system treatments and repairs are included in Change Order No. 8 at an estimated cost of \$52,000. The on-site well production and quality has degraded with the on-going drought conditions.

There are 20 months remaining in this contract for plant establishment. The following Contract Change Orders (CCO) will require approval with this Board action:

CCO No.	Description	Estimated Cost
CCO 1	Grant 30 days for specialty pump procurement	* \$ 0.00
CCO 2	Update existing well pump to be able to communicate with irrigation system	* \$ 1,206.99
CCO 3	Repair freeze damages on irrigation system	* \$ 2,466.28
CCO 4	Grant 36 days for oak acorn delay	* \$ 0.00
CCO 5	Additional pipe required due to elevation changes not accounted for due to terrain	* \$ 1,596.84
CCO 6	Install filter to water storage tank preventing sediment and rocks from entering irrigation system	* \$ 6,400.45
CCO 7	Inspect, repair, & flush irrigation system, including	* \$ 54,864.45
w/ sup. no. 1&2	diagnose and repair well pump issues and water delivery	
CCO 7	Disassemble, clean, flush and/or replace irrigation	\$ 39,000.00
sup. no.3 (proposed)	components damaged by poor water quality and water delivery	
CCO 8 (proposed)	Sulfuric acid injection system, shock chlorinate well treatment basin discharge improvements, and water delivery	\$ 52,000.00
TOTAL		\$157,535.01

* CCO 7 sup. no. 2 was presented and approved by your Board on March 24, 2015. The cost relating to the other CCOs (other than CCO7 sup. No. 3 and CCO 8) were also reported to your Board on that same date.

Necessary reconfigurations resulted in equipment replacement and repairs, additional work by the Contractor, and additional County staff time. As a result, additional costs will be incurred. The contingency for the project is not adequate to cover these additional cost and it is expected that the construction contingency will need to be supplemented to address any additional unforeseen conditions for the required plant establishment period. The additional \$100,000 supplemented to the budget will provide a revised total construction budget up to \$768,318.75, which includes contingency and supplemental work of \$62,314.99 for the remaining contract work period.

Change Order Policy

The resolution authorizes the Director of Public Works or his designee to approve individual Construction Contract Change Orders up to \$39,923, so long as any change or addition is deemed consistent with the proper completion of the Project under the sound discretion of the Director of Public Works or his designee, and so long as the change or addition does not exceed the maximum dollar amount allowed under Public Contracts Code Section 20142. Individual change orders over \$39,923 require a written recommendation from the Public Works Department's Resident Engineer, a written recommendation from the Public Works Director or his designee, and authorization from the Board of Supervisors.

OTHER AGENCY INVOLVEMENT/IMPACT

The project is being implemented in cooperation with the Dana Adobe Amigos organization who has leased the property from the County.

County Counsel has reviewed the Construction Change Order Policy as to legal form and effect.

FINANCIAL CONSIDERATIONS

This is a multi-year project budgeted in the Road Fund FY 2015/16 at \$1,050,000. The estimated project costs, including Change Order Nos. 1-8 and the additional construction contingency is \$1,017,372. Funding for this project is from the South County Road Improvement Fee Account – Area 1 and Prop 1B State-Local Partnership Program (SLPP). No budget adjustment is necessary at this time.

Please see Exhibit "A" for an estimated cost breakdown of the project.

RESULTS

Approval of the recommended actions authorizes the implementation and payment for the recommended improvements and repairs, and authorizes the Director to approve future change orders for proper completion of the work as contemplated, in conformance with state statutes. Completion of the required work will result in a safer, more livable community.

File: Contract No. 300129.09.04

Reference: 15AUG11-C-2

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ATTACHMENTS

1. Vicinity Map
2. Exhibit A – Project Cost Estimates
3. Exhibit B – Contract Change Order Nos. 1-8
4. Resolution Approving the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project Construction Change Order Policy